

**DEVELOPMENT REVIEW COMMITTEE – April 6, 2021**  
**CONDITIONS OF APPROVAL**

**9 & 11 Montebello Way**  
**Conditional Use Permit Application U-21-003**

**Requesting Approval for a New Restaurant and Specialty Market (Montebello Market) with Alcohol Service and Retail Sales on Property Zoned C-2:LHP. APN 529-01-006.**

**PROPERTY OWNER: Los Gatos Investments, LLC**

**APPLICANT: Montebello Market, LLC**

**PROJECT PLANNER: Ryan Safty**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

- 1) **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional use Permit amendment.
- 2) **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
- 3) **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
- 4) **RESTAURANT AND SPECIALTY MARKET USE:** A restaurant and specialty market serving both made to-order and prepackaged menu items, as well as gourmet grocery items and retail goods, as well as sales of beer, wine, and distilled spirits for both on and off-premise consumption.
- 5) **HOURS:** Maximum hours of operation are 7:00 a.m. to 11:00 p.m. (Monday through Sunday).
- 6) **CERTIFICATE OF USE AND OCCUPANCY:** A Certificate of Use and Occupancy must be obtained prior to commencement of use.
- 7) **BUSINESS LICENSE:** A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
- 8) **LIVE ENTERTAINMENT:** Live entertainment until 10:00 p.m. is permitted in conformance with the Town Policy regulating Late Night Entertainment.
- 9) **GENERAL:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
- 10) **SIGN PERMIT:** Please note that any exterior business sign(s) shall be compatible with the building style and consistent with the Commercial Design Guidelines and Town Code. A sign permit from the Los Gatos Community Development Department must be obtained prior to any changes of existing signs or installation of new signs.
- 11) **TREE REMOVAL PERMIT:** Please note that a Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.

- 12) TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
- 13) COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

- 14) PRIVATE EASEMENTS: Agreements detailing rights, limitations and responsibilities of involved parties shall accompany any proposed private easement. An electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to issuance of a building permit.